

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3616 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MANUBHAI B VEGDA

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioners

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/07/2000

ORAL JUDGEMENT

1. Perused the Special Civil Application. The Special Civil Application was admitted on 22/7/1987 and ad interim relief in terms of paragraph no.9(c) has also been granted. Paragraph No.9(c) reads as under :

"(C) Pending admission and final disposal of this petition Your Lordship be pleased to restrain the respondent from terminating, discharging or discontinuing the service of the petitioner and direct the respondents to pay time scale of pay regularly to the petitioner."

Thereafter, I do not find anything on record that this interim relief has been vacated. It appears from the papers placed before the Court that after 27th July, 1987, the matter was not placed in the Court. So, this interim relief for all these years has been continued.

2. The respondents have not cared to file the reply to the Special Civil Application. Not only this, the worse part for the State of Gujarat and its officers is that nobody is present in the Court. It is very sorry state of affairs prevailing in the State of Gujarat which spent huge amount of the peoples money for defending the cases which are filed against it in the Courts. Be that as it may, though the Court could have adopted the course as the averments made by the petitioners stand uncontroverted and the petition could have been accepted, but in some cases, it is found that the petitioners are raising their claim on forge documents or many important and material facts are being not disclosed in the petition, this course is not adopted in this case.

3. The interest of justice will meet in case this petition and the rule is disposed of in terms that this petition shall be considered as a representation of the petitioners by respondents no.1 and it shall decide the same by passing a reasoned order within a period of 1 month from the date of receipt of writ of this order. The copy of the reasoned order should be placed before the Court and where it goes against the petitioners, liberty is granted to them for revival of the Special Civil Application. Till the matter is decided by respondent no.1, interim relief shall continue. However, in case within this stipulated period, the representation is not decided, same shall come to an end automatically without reference to the Court. In that eventuality also, liberty is granted to the petitioners for revival of the Special Civil Application.

(S.K. Keshote, J.)
(kamlesh)